Remarks/Arguments

Claims 1-22 are now pending in this application. In the July 11, 2008 Office Action, Claims 1-5, 7-10, 12-19, 21, and 22 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,467,028 to Piwonka et al. (hereinafter "*Piwonka*") in view of *Teach Yourself Web Publishing with HTML 4 in a Week* (hereinafter "*HTML*"). Claims 6, 11, and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Piwonka* in view of *HTML*, as applied to claims 5, 10 and 19 respectively, and further in view of U.S. Patent No. 4,729,678 to Hays et al. (hereinafter "*Hays*").

By this amendment, Claims 2-3 and 16-18 have been cancelled. Claims 1, 9-10, 12, and 15 have also been amended. Following entry of this amendment, claims 1, 4-15, and 19-22 will be pending in the present application. For the reasons set forth below, the Applicant respectfully requests reconsideration and immediate allowance of this application.

Telephonic Examiner Interview

A telephonic interview occurred between Examiner Nguyen and the undersigned, Steven Wong (hereinafter "Counsel"), on August 1, 2008. The Applicant wishes to thank the Examiner for taking time to discuss the application with Counsel over the phone. During the interview, Counsel submitted that the cited art, individually or in combination, does not describe, teach, or suggest a "BIOS-readable [] escape code" as recited in multiple claims. In particular, Counsel asserted that *HTML* discloses, at best, HTML-readable style tags, and that none of the cited references discloses that HTML style tags are readable by a BIOS. As such, a flaw in logic exists in that HTML is necessarily not "BIOS-readable," and the Office Action has failed to establish otherwise.

A consensus was not reached during the telephonic interview regarding the 35 USC 103 rejections. While the Applicant respectfully requests that the Examiner continue to consider the statements addressed in the telephonic interview, the Applicant further submits this Amendment in order to advance prosecution of this application.

The Applicant respectfully requests the Examiner to consider the present response and the arguments contained therein.

Claim Rejections Under 35 U.S.C. 103(a)

In the July 11, 2008 Office Action, claims 1-5, 7-10, 12-19, 21, and 22 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Piwonka* in view of *HTML*. In the July 11, 2008 Office Action, claims 6, 11, and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Piwonka* in view of *HTML*, as applied to claims 5, 10 and 19 respectively, and further in view of *Hays*.

Office Action's Response to Arguments

In the Office Action at p. 9, the Office Action alleges that "[t]he teaching of *HTML* is not for running a browser but for the idea of using markup to control display attributes, a well known concept even predating Web browsers as taught by SGML, which is a superset of HTML." The argument is flawed on several levels.

First, the applicability of HTML is limited by definition to only applications capable of interpreting HTML. For example, *HTML* discloses the use of web browsers, such as LYNX and NETSCAPE, and even includes screenshots of these browsers. The Office Action cannot merely ignore these limitations explicitly described in *HTML* as an inconvenience. The fact is that HTML is not BIOS-readable, and accordingly, HTML style tags are not "BIOS-readable."

Second, to the extent that *HTML* is used for the idea of using markup to control display attributes, this argument is completely irrelevant to the recited claims. The Applicant is not attempting to claim using markup to control display attributes. The claims specifically recite, *inter alia*, BIOS-readable escape codes enabling the BIOS to display strings in various formats. The Office Action's arguments should be limited to the recitations in the claims, and not to broad "ideas" that have no bearing to the claim recitations.

Third, even assuming, *arguendo*, that it is well-known to use markup to control display attributes, the Office Action has failed to cite any art in which a BIOS interprets conventional markup for controlling display attributes. The failure of others to utilize such "well-known" markup for controlling display attributes should be viewed in the Applicant's favor. (See MPEP 2145: "Rebuttal evidence may include evidence of "secondary considerations," such as "commercial success, long felt but unsolved needs, [and] failure of others." *Graham v. John Deere Co.*, 383 U.S. at 17, 148 USPQ at 467.")

Claim 1

Amended claim 1 recites, *inter alia*, "when displaying the first string of the set, encountering and interpreting the BIOS-readable first escape code by a display engine of the BIOS to determine the first format and generate the display of the first string with the portion of the first string displayed in the first format during BIOS activity." Claim 1 is replete with recitations to the BIOS. For example, the recited portion of claim 1 refers to a "BIOS-readable first escape code," a "display engine of the BIOS," and "during BIOS activity."

The Office Action at p. 2 admits that "*Piwonka* does not explicitly disclose providing a first escape code...." In order to cure the deficiencies of *Piwonka*, the Office Action relies on *HTML*, and in particular, *HTML*'s teaching of well-known style tags to format the text of HTML documents (e.g., web pages). A substantial flaw in the Office Action's reliance of *HTML* is that *HTML* can only be interpreted by applications configured to interpret HTML. The most common HTML interpreters are web browsers, such as FIREFOX and INTERNET EXPLORER. To that end, the Office Action has failed to show that a conventional BIOS or the BIOS disclosed in *Piwonka* is capable of interpreting HTML. Unless the Office Action shows that a BIOS is capable of interpreting HTML in the manner recited in the claims, the Office Action necessarily has not met its burden for establishing *prima facie* obviousness.

The Office Action at p. 2 also admits that *Piwonka* does not disclose a display engine. Neither *Piwonka* nor *HTML*, alone or in combination, describes, teaches, or suggests a "display engine of the BIOS." In particular, *Piwonka* discloses a BIOS but does not describe a display engine operative to "encounter[] and interepret[] the BIOS-readable first escape code...to determine the first format and generate the display of the first string with the portion of the first string displayed in the first format during BIOS activity." *HTML* does not disclose any BIOS whatsoever. *HTML* discloses the use of style tags for formatting and displaying web pages, but does not disclose formatting and displaying web pages "during BIOS activity."

Amended claim 1 further recites "providing a BIOS-readable cancel escape code within the first string and wherein the portion of the first string between the BIOS-readable first escape code and the BIOS-readable cancel escape code is displayed in the first format during BIOS activity" and "providing a BIOS-readable second escape code within the first string of the set, wherein the BIOS-readable second escape code provides an indication of at least a portion of the first string that is to be displayed in a second format during BIOS activity, wherein the portion of

the first string between the BIOS-readable first escape code and the BIOS-readable second escape code is displayed in the first format during BIOS activity, and wherein the portion of the first string after the BIOS-readable second escape code is displayed in the second format during BIOS activity." Neither *Piwonka* nor *HTML*, alone or in combination, described, teach, or suggest the "BIOS-readable cancel escape code" or the "BIOS readable second escape code" for displaying strings during "BIOS activity."

Accordingly, *Piwonka* and *HTML*, alone or in combination, do not teach, suggest, or describe each and every element of independent claim 1. The Applicant therefore submits that this claim is in condition for immediate allowance. The Applicant further submits that claims 4 and 6-8 are also patentable because they contain recitations not taught by *Piwonka* or *HTML* and because these claims depend from allowable independent claim 1. Accordingly, the Applicant submits that claims 1, 4, and 6-8 are in condition for immediate allowance.

Claim 9

Amended claim 9 recites, *inter alia*, "during power on self-test (POST) or a BIOS SETUP, receiving a request from the BIOS to display a string, the string including a text to be displayed by the BIOS and a BIOS-readable escape code specifying the format in which the text is to be displayed by the BIOS." Neither *Piwonka* nor *HTML*, alone or combination, describes, teaches or suggests the recited portion of claim 9. *Piwonka* at Abstract discloses the use of a system ROM that includes at least two sets of character strings – one being English and another being a non-English language. *Piwonka* at Abstract further discloses that each of these sets of character strings includes characters, words, and phrases. Nothing in *Piwonka* discloses that the sets of character strings include BIOS-readable escape codes. *HTML* does not disclose any BIOS whatsoever. As such, *HTML* is completely unrelated to the recited portion of claim 9, and in particular, to performing any action "during power on self-test (POST) or a BIOS SETUP."

Amended claim 9 further recites "parsing the string to determine if the string includes the BIOS-readable escape code." As previously addressed with respect to claim 1, HTML style tags are not "BIOS-readable."

Accordingly, *Piwonka* and *HTML*, alone or in combination, do not teach, suggest, or describe each and every element of independent claim 9. The Applicant therefore submits that this claim is in condition for immediate allowance. The Applicant further submits that claims

10-11 are also patentable because they contain recitations not taught by *Piwonka* or *HTML* and because these claims depend from allowable independent claim 9. Accordingly, the Applicant submits that claims 9-11 are in condition for immediate allowance.

Claim 12

Amended claim 12 recites, *inter alia*, "upon determining that the string does not include the BIOS-readable escape code, displaying, during BIOS activity, the first text in a default format while operating in a default mode of the BIOS" and "upon determining that the string includes the BIOS-readable escape code, switching from the default mode to a graphics mode of the BIOS, and drawing, during BIOS activity, the second text in the format specified by the BIOS-readable escape code while operating in the graphics mode." Neither *Piwonka* nor *HTML*, alone or combination, describes, teaches or suggests the recited portions of claim 12, and in particular, the "default mode of the BIOS" and the "graphics mode of the BIOS." *Piwonka* at col. 6, lines 19-21 discloses that the BIOS is capable of displaying character strings based on the system ROMS. *Piwonka* does not disclose that the BIOS transitions to any mode in order to display these character strings. Even assuming, *arguendo*, that the BIOS disclosed in *Piwonka* displays character strings in a default mode, nothing in *Piwonka* discloses that the BIOS transitions from the default mode of the BIOS to the graphics mode of the BIOS in order to display text in a format specified by the BIOS-readable escape code. *HTML* does not disclose any BIOS whatsoever, much less a BIOS with a default mode and a graphics mode, as recited in claim 12.

Accordingly, *Piwonka* and *HTML*, alone or in combination, do not teach, suggest, or describe each and every element of independent claim 12. The Applicant therefore submits that this claim is in condition for immediate allowance. The Applicant further submits that claims 13-14 are also patentable because they contain recitations not taught by *Piwonka* or *HTML* and because these claims depend from allowable independent claim 12. Accordingly, the Applicant submits that claims 12-14 are in condition for immediate allowance.

Claim 15

As addressed in greater detail above with respect to claims 1, 9, and 12, neither *Piwonka* nor *HTML*, alone or combination, describes, teaches or suggests the "BIOS-readable first escape

code," the "the BIOS-readable cancel escape code," or the "BIOS-readable second escape code," as recited in amended claim 15. The Applicant further submits that neither *Piwonka* nor *HTML*, alone or combination, describes, teaches or suggests the "BIOS-readable third escape," also as recited in amended claim 15. In particular, HTML is not "BIOS-readable."

Accordingly, *Piwonka* and *HTML*, alone or in combination, do not teach, suggest, or describe each and every element of independent claim 15. The Applicant therefore submits that this claim is in condition for immediate allowance. The Applicant further submits that claims 19-22 are also patentable because they contain recitations not taught by *Piwonka* or *HTML* and because these claims depend from allowable independent claim 15. Accordingly, the Applicant submits that claims 19-22 are in condition for immediate allowance.

Conclusion

In view of the foregoing amendment and remarks, the Applicant respectfully submits that all of the pending claims in the present application are in condition for allowance. Reconsideration and reexamination of the application and allowance of the claims at an early date is solicited. If the Examiner has any questions or comments concerning this matter, the Examiner is invited to contact the applicant's undersigned attorney at the number below.

Respectfully submitted,

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